



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

December 6, 2007

Ms. Robin Reich
HDR
2525 C Street, Suite 305
Anchorage, Alaska 99503-2639

Re: North Forest Acres Levee/
Access Road Project, draft SEA
M-2000-0052, Japanese Creek

Dear Ms. Reich:

In December of 2003 the Natural Resource Conservation Service (NRCS) prepared an Environmental Assessment (EA) and a Finding of No Significant Impact for the above referenced project. Since that date, the proposed action (preferred alternative road alignment) has changed. The NRCS and the City of Seward have prepared a draft Supplemental Environmental Assessment (SEA) to reflect those changes and to fulfill the requirements of the National Environmental Policy Act. The National Marine Fisheries Service (NMFS) has reviewed the draft SEA (for which HDR is a consultant) and offers the following comments.

NMFS previously provided comments on this project to the NRCS (letter dated June 30, 2003) and to the Corps of Engineers on a Public Notice for a Department of the Army permit for the original proposed project, Japanese Creek 1, M-2000-0052 (letter dated March 4, 2004). We have also participated in numerous meetings and site visits with the City of Seward to assist in attaining project objectives while minimizing impacts to our trust resources. Our primary concern has been, and remains, the relocation of Japanese Creek and the potential adverse impacts to anadromous fish, their habitat, and wetlands. We have also repeatedly stated that less environmentally damaging practicable alternatives to the proposed project exist.

On May 21, 2004, NMFS attended a meeting of concerned resource agencies, the Corps, HDR, and representatives of the City of Seward regarding the project. The alternative agreed upon was not the applicant's preferred alternative (previously designated as the "red alternative"), which placed the alignment of the road/levee the furthest out in the floodplain; nor was it the resource agencies' preferred alternative (known as the "blue alternative"), which pushed the alignment to the west. Rather, the result of this meeting was a compromise alternative designated as the "green alternative" which everyone accepted, including representatives of the City of Seward. Importantly, the green alternative did not require relocation of Japanese Creek. In September, 2004, NMFS learned that City of Seward Council Members voted to reject the compromise alternative.

The preferred alternative as presented in the draft SEA is not substantially different from the project we reviewed in the original EA and the Corps' Public Notice, and also requires the relocation of Japanese Creek. The applicant's proposed alternative realigns Japanese Creek



dangerously close to the Resurrection River. The physiography of the project area, including the Resurrection River, is described as an alluvial fan. Flooding on alluvial fans is characterized by sufficient energy to carry coarse sediment at shallow flow depths. The abrupt deposition of this sediment or debris strongly influences hydraulic conditions during a flood and may allow higher flows to initiate new, distinct flow paths of uncertain direction. Also, during a flood event erosion strongly influences hydraulic conditions by undermining channel banks or eroding new paths across the unconsolidated sediments of the alluvial fan.

Due to the alluvial fan character of the area, channels of the Resurrection River are highly migratory, and a very real danger exists for the Resurrection River channel to avulse Japanese Creek. Avulsion of Japanese Creek, where a channel of the Resurrection River captures or entrains the channel of Japanese Creek, would permanently destroy the spawning and rearing habitat in Japanese Creek.

NMFS concerns regarding practicable alternatives, avoidance, minimization, and compensation for impacts to our trust resources have not been resolved, and our position on this project remains unchanged. In addition, the project as currently proposed does not appear to comply with the Clean Water Act's section 404(b)(1) guidelines. Furthermore, our understanding is that NRCS policy directs the agency to prepare an EIS for projects that require stream realignment (http://ftp-fc.sc.egov.usda.gov/OR/Planning_Worksheets/OREVT1CM.doc):

An EA is required for projects that include restoring stream channel meander bends or other similar activities. An EIS is required for projects that include stream channel realignment (channelization) or work to modify channel capacity by deepening or widening where significant aquatic or wildlife habitat exists. The Environmental Evaluation (EE) will determine if the channel supports significant aquatic or wildlife habitat (GM Part 410.7). Channel realignment is defined in the General Manual 410.27 (c)(2)(i) as actions including the construction of a new channel or a new alignment and may include the clearing, snagging, widening, and/or deepening of the existing channel. Channelization will not be considered if a practical alternative exists. A practical alternative is defined as one that: 1) is consistent with the Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (WRCEEPG), 2) makes a significant contribution to project objectives, and 3) results in less damage to fish and wildlife habitat.

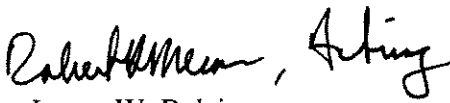
Lastly, it seems counterintuitive for a flood control project to place the road/levee alignment so far into the floodplain given the availability of practicable alternatives that do not encroach on the floodplain. For example, the West 1 alternative (blue) alignment achieves the goal of flood protection and routes truck traffic off Dimond Blvd. meeting the second goal of public safety. Noise reduction for residents of North Forest acres subdivision could be achieved by use of noise fencing. This type of fencing has been used successfully on highway projects (e.g. New Seward Highway in Anchorage) as a sound buffer for residential housing.

In summary, the proposed project would have substantial negative impacts on water quality, important wetlands, the floodplain, and riparian zone of Japanese Creek and the Resurrection River, ultimately affecting Essential Fish Habitat and the long-term health of these streams. NMFS recommends the project avoid filling wetlands, be relocated outside the floodplain, and

retain a wide riparian zone. Alternatives exist that meet these conservation goals as well as the goal of flood prevention. NMFS encourages the applicant to seek solutions to the neighborhood safety issue that do not require moving the road/levee alignment out into the floodplain, requiring a relocation of Japanese Creek.

Thank you for the opportunity to comment on this project. NMFS recognizes the importance of this project to the community of Seward and we are available to work with the applicant in achieving their project's goals while minimizing impacts to EFH and our trust resources. NMFS recommends a meeting of the Corps, NRCS, resource agencies, HDR, and representatives of the city of Seward with a goal of reaching an agreement on the road/levee alignment, prior to releasing another Public Notice. Brian Lance is the contact for this project and can be reached at 907-271-1301 or by e-mail: brian.lance@noaa.gov.

Sincerely,


for Dr. James W. Balsiger
Administrator, Alaska Region

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